

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NORTHUMBERLAND COUNTY )  
RETIREMENT SYSTEM and )  
OKLAHOMA LAW ENFORCEMENT )  
RETIREMENT SYSTEM, Individually )  
and On Behalf of All Others Similarly )  
Situating, )

Plaintiffs, )

vs. )

GMX RESOURCES INC., KEN L. )  
KENWORTHY, JR., JAMES A. )  
MERRILL, JEFFERIES & COMPANY, )  
INC., HOWARD WEIL )  
INCORPORATED, MORGAN KEEGAN )  
& COMPANY, INC., CAPITAL ONE )  
SOUTHCOAST, INC., COLLINS )  
STEWART LLC, PRITCHARD )  
CAPITAL PARTNERS, LLC, TUDOR, )  
PICKERING, HOLT & CO. )  
SECURITIES, INC., MERRILL LYNCH, )  
PIERCE, FENNER & SMITH )  
INCORPORATED, BBVA SECURITIES )  
INC., FORTIS SECURITIES LLC, )  
WEDBUSH MORGAN SECURITIES )  
INC., CREDIT SUISSE SECURITIES )  
(USA) LLC and SMITH CARNEY & )  
CO., P.C., )

Defendants. )

Case No. CIV-11-520-D

**AGREED MOTION TO EXTEND TIME TO ANSWER**

Defendants GMX Resources Inc., Ken L. Kenworthy, Jr., James A. Merrill, Jefferies & Company, Inc., Howard Weil Incorporated, Morgan Keegan & Company, Inc., Capital One Southcoast, Inc., Collins Stewart LLC, Pritchard Capital Partners, LLC, Tudor, Pickering, Holt & Co. Securities, Inc., Merrill Lynch, Pierce, Fenner & Smith

Incorporated, BBVA Securities Inc., Fortis Securities LLC, Wedbush Morgan Securities Inc., Credit Suisse Securities (USA) LLC and Smith Carney & Co., P.C. (collectively, “Defendants”) file this Agreed Motion to Extend Time to Answer Plaintiffs Northumberland County Retirement System and Oklahoma Law Enforcement Retirement System’s (“Plaintiffs”) Petition until forty-five (45) days after the entry of an order on Plaintiffs’ motion to remand and would show as follows:

1. Plaintiffs filed their Petition in the District Court In and For Oklahoma County, State of Oklahoma (CJ-2011-1664) on March 10, 2011. Plaintiffs served various defendants with the Petition on April 23, 2011. Defendants filed their Notice of Removal to the United States District Court for the Western District of Oklahoma on May 12, 2011 (Doc. No. 1). Defendants’ answers to the Petition are currently due May 19, 2011. Should Plaintiffs seek to remand this case, Plaintiffs’ motion to remand is due June 13, 2011.

2. No previous motions for extensions have been made.

3. In the interest of judicial economy, Plaintiffs and Defendants have agreed that Defendants shall not be obligated to answer or otherwise respond to the Petition until forty-five (45) days after entry of an order on Plaintiffs’ motion to remand.

4. Plaintiffs' counsel agrees to this motion.

5. The extension requested herein will not have any impact on any scheduled trial or other deadlines.

**RELIEF REQUESTED**

The precise relief requested is that Defendants shall not be obligated to answer or otherwise respond to the Plaintiffs' Petition until forty-five (45) days after entry of an order on Plaintiffs' Motion to Remand.

Respectfully submitted,

s/Mack J. Morgan III

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**ATTORNEYS FOR DEFENDANTS GMX  
RESOURCES, INC., KEN L. KENWORTHY,  
JR., AND JAMES A. MERRILL**

s/Joe M. Hampton

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*(signed by filing attorney with permission)*

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s/Hugh A. Baysinger

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May, 2011 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing which forwards a copy to Plaintiffs' counsel, an ECF registrant:

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I further certify that on this 18th day of May, 2011, a true and correct copy of the above and foregoing was served by U.S. Mail on the following:

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